

**S.B. CIVIL WRIT PETITION No. 3843/2005.
(Om Prakash Vs. State of Raj. & ors.)**

DATE OF ORDER : 14.11.2007.

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr. DD Chittlangi, for the petitioner.
Mr. SS Ladrecha, G.A., for respondents.
Mr. SL Jain, for UIT.

1. This petition has been filed with the following prayers:-

- (i) By an appropriate writ, order or directions the respondents No. 3 and 4 Urban Improvement Turst and Nagar Parishad Bikaner may be directed to construct a proper Nallah for disposal of sewerage and dirty water without accumulation of water in the Megwaloo Ka Bass at kismideser in Municipal Area of Bikaner, in the interest of justice;
- (ii) That further the respondents authorities may kindly be directed to remove the accumulated water in the above Mohallah, in the interest of public health and environment.
- (iii) That any other appropriate writ, order, or direction which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, may also kindly be granted in favour of the petitioners.
- (iv) That cost of the writ petition may kindly be awarded in favour of the petitioner."

2. The stand taken by both the respondents UIT and Municipal Council shifting their responsibility from one to another to maintain hygiene and provide proper discharge of sewerage

and dirty water cannot be appreciated. It goes without saying that it is the duty of public authorities both of Municipal Council as well as Urban Improvement Trust to ensure that public health does not suffer on account of such open nallahs and sewerage system. The petitioners have produced some photographs on record in the petition which prima facie indicate that no proper discharge system for sewerage and dirty water appears to have been made in the said area.

3. Therefore, this writ petition is disposed of with the direction to the respondents to evolve proper system for disposal of sewerage and dirty water in the area of Megwaloo Ka Bass at Kismideser in Municipal Area of Bikaner. Necessary action in this regard may be taken expeditiously.

4. With these observations the petition is disposed of.

(Dr.VINEET KOTHARI)J.

Sr.No.20
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